

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

JOSHUA TONY CODYNAH, )  
Petitioner, )  
v. ) Case No. CIV-23-478-J  
DAVID BUSS, )  
Respondent. )

**ORDER**

Petitioner, a state prisoner appearing pro se, filed a petition and amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Doc. Nos. 1, 16]. The matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B) and (C). On April 2, 2024, Judge Mitchell issued a Report and Recommendation recommending that Petitioner's amended § 2254 petition be denied. [Doc. No. 26]. Petitioner was advised of his right to object to the Report and Recommendation by April 23, 2024. Petitioner has not objected and has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 26] and DENIES Petitioner's amended § 2254 petition [Doc. No. 16]. The Court also DENIES a certificate of appealability, as it concludes Petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED this 2<sup>nd</sup> day of May, 2024.

  
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BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE